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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/696,707

10/29/2003

Tsang Chiu Ming

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EXAMINER

LEE, WILSON

ART UNIT

PAPER NUMBER

2821

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/696,707

Applicant(s)

MING, TSANG CHIU

Examiner

Wilson Lee

Art Unit

2821

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **Claim Objections**

Claims 2-13 are objected because of the following informalities:

Claims 2-13, line 1, "An" should be changed to --The--.

Claim 5, line 2, "display member have coacting connecting means" needs to be rephrased. "Coacting" is misspelled and it should be changed to either adjective or verb.

### **Claim Rejections – 35 U.S.C. 112**

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claims 1, 5, 6, 11, 12, 13, "semi-permanently" is vague. Does it mean that the connection is permanent in half of a period of time then half of the time is *not* permanent? Or not so permanent (loose)? Or half of the connection is permanent and another half of the connection is *not* permanent?

Claims 2-13 are also vague by virtue of their dependency on claim 1.

Claim 13, "arm" lacks antecedent basis.

### **Claim Rejections – 35 U.S.C. 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 8-13, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Forster (International Publication number WO 94/21014).

Regarding Claim 1, Forster discloses an electrical neon display device (1) (See Figure 1) that allows for the interchangeability of the material being displayed, said device comprising:

- (a) an alternating current power track (Figures 1-4),
- (b) at least one neon track head (8) (See Figure 1) that is semi-permanently (temporary? or removably) electrically connected to said track and housing a transformer (6) for converting alternating current to direct current,
- (c) at least one display member (9) (See Figure 1) that is electrically associated with said at least one track head (See Figure 1 and page 2, lines 22-39).

Regarding Claim 2, Forster discloses that the device (1) includes a plurality of individual display members (shown as alphabets of display 9 in Figure 1).

Regarding Claim 3, Forster discloses that the display member (9) includes a neon tube shaped in the configuration of a desired letter ("*NEONGLOBE DISPLAY*") or design to be displayed by said device (See Figure 1).

Regarding Claim 8, Forster discloses that the device further includes an extension member (7) that is disposed between said track head (8) and said display member (9) (See figure 1).

Regarding Claim 9, Forster discloses that the extension member (7) has a flexible body portion to allow for the movement of said display member (9) with respect to said power track (8).

Regarding Claim 10, Forster discloses that the extension member (7) allows the display member to be pivoted at least ninety degrees (i.e. actually it could be any degree because it is flexible) with respect to the power track (8).

Regarding Claim 11, Forster discloses that the extension member (7) is attached to the track head (8) in a fixed relationship and said display member (9) is semi-permanently (temporary? or removably so that display 9 can be disconnected from wire 7) attached to the extension member (7) (See Figure 1).

Regarding Claim 12, Forster discloses that the extension member (7) is semi-permanently (temporary? or removably so that wire 7 can be disconnected from head 8) attached to the track head (8) and said display member (9) is attached to said extension member (7) in a fixed relationship (See Figure 1).

Regarding Claim 13, Forster discloses that the extension member (7) is attached to said power track (8) in a fixed relationship and said display member (9) is attached to said extension member (7) in a fixed relationship (See Figure 1).

Claims 1-13, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Chang (6,305,110).

Regarding Claim 1, Chang discloses an electrical neon display device (See Figure 1 and Col. 1, lines 62-65) that allows for the interchangeability of the material being displayed, said device comprising:

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- (a) an alternating current power track (rail 22) (Figures 2 and Claim 8),
- (b) at least one neon track head (box 16) (See Figure 2) that is semi-permanently (temporary? or removably) (See Col. 2, lines 27-40) electrically connected to the track and housing a transformer (T) for converting alternating current to direct current,
- (c) at least one display member (9) (See Figure 1) that is electrically associated with said at least one track head (See Figure 1 and page 2, lines 22-39).

Regarding Claim 2, Chang discloses that the device (shown in Figure 1) includes a plurality of individual display members (11, 12, 13, 14, 15).

Regarding Claim 3, Chang discloses that the display member (11-15) includes a neon tube shaped in the configuration of a desired letter ("PIZZA") or design to be displayed by the device (See Figure 1).

Regarding Claim 4, Chang discloses track head has one of a female electrical connector (21) and a male electrical connector (18, 19) and said display member has an electrical connecting member (17a, 17b) opposite to that of the track head.

Regarding Claim 5, Chang discloses that the track head and said display member have a connecting means (17a, 17b) (See Col. 3, lines 18-25) that are utilized to semi-permanently connect said track head (16) and display member (11-15, 17) together.

Regarding Claim 6, Chang discloses that the connecting means (17a, 17b) (See Col. 3, lines 18-25) further includes a latch member that is semi-permanently associated with said track head (16) and said display member (11-15, 17).

Regarding Claim 7, Chang discloses that the track head (16) and display member (11-15, 17) are associated in a fixed relationship with one another to form a unitary member (See Figure 2).

Regarding Claim 8, Chang discloses that the device further includes an extension member (17a, 17b) (See Col. 3, lines 18-25) that is disposed between said track head (16) and said display member (11-15, 17) (See figures 1 and 2).

Regarding Claim 9, Chang discloses that the extension member (17a, 17b) (See Col. 3, lines 18-25) has a flexible body portion to allow for the movement of said display member (11-15, 17) with respect to said power track (22).

Regarding Claim 10, Chang discloses that the extension member (17a, 17b) (See Col. 3, lines 18-25) allows the display member to be pivoted at least ninety degrees (See Figure 2) with respect to the power track (22).

Regarding Claim 11, Chang discloses that the extension member (17a, 17b) (See Col. 3, lines 18-25) is attached to the track head (16) in a fixed relationship and said display member (11-15, 17) is attached to the extension member (17a, 17b) (See Figure 2).

Regarding Claim 12, Chang discloses that the extension member (17a, 17b) (See Col. 3, lines 18-25) is semi-permanently (disconnectable) attached to the track

head (16) and said display member (11-15, 17) is attached to said extension member (17a, 17b) in a fixed relationship (See Figures 1, 2).

Regarding Claim 13, Chang discloses that the extension member (17a, 17b) (See Col. 3, lines 18-25) is attached to the power track (22) in a fixed relationship and said display member (11-15, 17) is attached to said extension member (17a, 17b) in a fixed relationship (See Figures 1 and 2).

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Grajcar (6,478,450) discloses a lighting system comprising flexible conductor strip. Gonzalez (5,436,813) discloses an illumination apparatus comprising a neon tube. Clement (5,203,626) discloses a low voltage power distribution and lighting system comprising tubular housings

### **Correspondence**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Wilson Lee whose telephone number is (571) 272-1824.

Papers related to Technology Center 2800 applications may be submitted to Technology Center 2800 by facsimile transmission. Any transmission not to be considered an official response must be clearly marked "DRAFT". The official fax number is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published



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applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Wilson Lee", written over a horizontal line.

Wilson Lee  
Primary Examiner  
U.S. Patent & Trademark Office

12/13/04